REMARKS

Claims 4 and 22 are canceled without prejudice. Claims 1-3 and 5-21 are amended. Claims 1-3 and 5-21 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests the application be allowed and forwarded on to issuance.

Claim Cancelations and Amendments

Claims 4 and 22 have been canceled without prejudice. Claims 1-3 and 5-21 have been amended. The cancelation of claims 4 and 22 and the amendments to Claims 1-3 and 5-21 are not directed to issues of patentability. Rather, the claim cancellations and amendments are directed to matters of form.

Rejections Under 35 U.S.C. §103

Claims 1-5, 8-11, 16-17 and 21-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 6,262,724 to Crow in view of US Patent No. 5,852,800 to Modeste and further in view of US Patent Application Publication No. 2002/0198953 to O'Rourke.

Claims 7 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Crow, Modeste and O'Rourke in further view of US Patent Application Publication No. 2002/0124100 to Adams.

Claims 6, 12-15 and 18-19 stand rejected under 35 U.S.C. § 103(a) as being

unpatentable over Crow, Modeste and O'Rourke in further view of US Patent

Application Publication No. 2002/00019831 to Wade.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable

5   over Crow, Modeste and O'Rourke in further view of US Patent No. 6,567,918 to

Flynn.

Applicant makes no representation that cited references are prior art. This

response and any remarks or comments included herein are not intended to be, and

are not to be interpreted as, an admission that any cited references are prior art.

10   Applicant reserves the right to dispose of any cited reference under 35 U.S.C. §

102 and/or 35 U.S.C. § 103, including but not limited to antedating any one or

more of the cited references.

Citation of O'Rourke and Flynn

15   In its rejections of claims 1-22, the Office relies on O'Rourke to teach

"[d]etermining whether the media presentation has been cached, and when the rich

media presentation has been cached, providing the rich media presentation from a

cached location." Similarly, in its rejection of Claim 22, the office relies on Flynn

to teach "determining if a request comes from an affiliated site." However, these

20   elements no longer appear in any of the claims currently presented for

consideration, having been canceled without prejudice by Applicant in the

Response dated June 11, 2007. Consequently, it is believed that the Office's

continued citation of O'Rourke and Flynn in the rejection of Claims 1- 22 is in

error and these references are not discussed in Applicant's response below.

The Claims

5   **Claim 1** is amended, and as amended, recites a method comprising

[emphasis added]:

- *automatically determining when an internet browser of a network device on a network has requested access to a rich media presentation*;

10   - *detecting one or more attributes relating to rich media presentation capabilities of one or both of the internet browser and the network device*, the one or more attributes including at least one of: an operating system type attribute, a plug-in attribute; a browser type attribute, a firewall attribute, a monitor setting attribute; a language

15   attribute; a bandwidth attribute or a protocol attribute;

- *selecting an appropriate rich media presentation to be sent to the internet browser from among a plurality of rich media presentations based on the detected one or more attributes*; and

- causing the selected rich media presentation to be sent to the internet
20   browser.

Claim 10 is amended, and as amended, recites one or more computer

readable media comprising instructions that are executable to [emphasis added]:

- *automatically determine when a rich media presentation is accessed*
25   *by an internet browser on a network device when the network device is coupled to a network*;

- *detect one or more attributes relating to rich media presentation capabilities of one or both of the internet browser and the network device*, the one or more attributes including at least one of: an operating
30   system type attribute, a plug-in attribute; a browser type attribute, a

firewall attribute, a monitor setting attribute; a language attribute; a bandwidth attribute or a protocol attribute; and

- cause the rich media presentation to be sent to the internet browser.

5 **Claim 16** is amended, and as amended, recites a system for providing a rich media presentation to a network device over a network, comprising [emphasis added]:

- a processor operable to implement a rich media presentation application to perform actions, comprising:

10
- *automatically determining when the rich media presentation is accessed by an internet browser on the network device*;

- *detecting one or more attributes relating to rich media presentation capabilities relating to one or both of the internet browser and the network device*, the one or more attributes including at least one of:
15 an operating system type attribute, a plug-in attribute; a browser type attribute, a firewall attribute, a monitor setting attribute; a language attribute; a bandwidth attribute or a protocol attribute;

- *selecting an appropriate rich media presentation to be provided to the internet browser from among a plurality of rich media*
20 *presentations based on the detected one or more attributes*; and

- causing the selected rich media presentation to be sent to the internet browser.

The Office rejected claims 1, 10, 16 and 22 as being obvious over Crow in
25 view of Modeste. Claim 22 has been canceled without prejudice. For reasons set forth below, Applicant respectfully traverses the Office's rejections of claims 1, 10 and 16.

Crow is directed to a time-based media player implemented on a user's local computer system for controlling and/or presenting information concerning time-based media, such as a movie. See, e.g., Fig. 4 reproduced below.
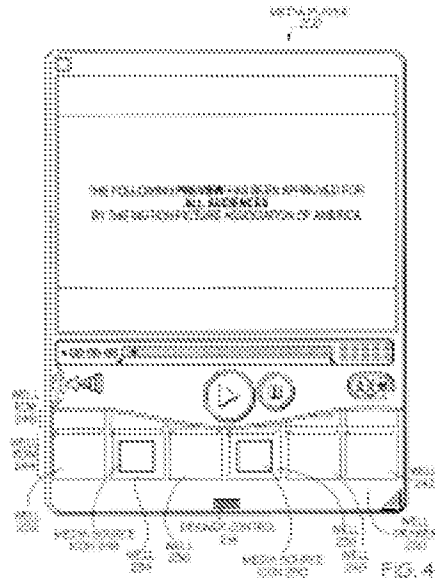
5   The media player includes a movie display window for displaying a movie or other images associated with time based media. The media player also includes a "drawer" or "tray" that contains a plurality of "wells" for holding icons or thumbnails representing media files available for playback in the movie display window. In this way, the media player allows a user to choose media files for

10   playback by opening the drawer and then clicking on an icon or thumbnail displayed within a well of the drawer. In one embodiment, the media player further includes a "GUI mechanism" for selecting a range of time within a time-based media file for playback. See, e.g., FIGS. 8A and 8B, reproduced below.
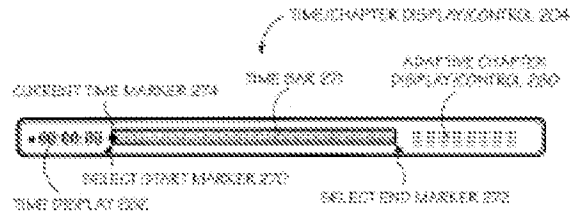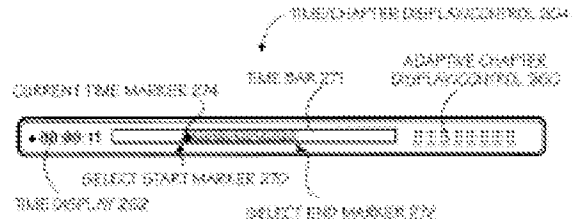
Fig. 8A

Fig. 8B

Nowhere does Crow teach or suggest *automatically determining when an internet browser of a network device on a network has requested access to a rich media presentation* as recited in Claim 1; instructions executable to *automatically determine when a rich media presentation is accessed by an internet browser on a network device when the network device is coupled to a network* as recited in Claim 10; or *automatically determining when the rich media presentation is accessed by an internet browser on the device* as recited in claim 16. As noted above, Crow is directed to a media player that is implemented on a user's local computer system. While the media player is capable of receiving streaming media through a network, it does not function in a server-side capacity and thus does not deliver media to other network devices. Consequently, the media player does not determine when an internet browser of a network device has requested access to a

rich media presentation, nor does it determine when a rich media presentation is accessed by an internet browser on a network device.

In its rejections, the Office argues that:

Crow discloses a website comprising web pages, may contain rich media presentations (time based data) comprising video, audio, motion graphics, etc. Further, the rich media may be created and edited by a variety of interfaces. The media is capable of supporting several playback interfaces, including RealPlayers, Windows Media Player, and Quicktime).

However, this characterization of Crow's teaching is not supported. Instead, Crow teaches only that a number of formats currently exist in which time-based media may be stored. Specifically, Crow discloses that:

There are a number of file structures used today to store time-based media: audio formats such as AIFF, video formats such as AVI, and streaming formats such as RealMedia. They are different at least in part because of their different focus and applicability. Some of these formats are sufficiently widely accepted, broad in their application, and relatively easy to implement, that they are used not only for content delivery but also as interchange formats such as the QuickTime.TM. file format. The QuickTime format is used today by many web sites serving time-based data; in many authoring environments, including professional ones; and on many multimedia CD ROM (e.g., DVD or CD-I) titles.

Column 1, lines 23-64.

Crow also fails to teach or suggest *selecting an appropriate rich media presentation to be sent to the internet browser from among a plurality of rich media presentations based on the detected one or more attributes* as recited in

claims 1 and 16. As discussed above, the media player disclosed by Crow does not deliver media to network devices. Thus, Crow nowhere teaches or suggests that the media player can select a media presentation from a plurality of rich media presentations to be provided to the internet browser of *a network device*.

5   In its rejections, the Office argues that Crow teaches "[g]enerating [a] rich media presentation. Specifically, the Office claims that Crow discloses "the creation of media files" and that the creation of these media files "is the generation of the presentation." Again, the Office's argument is not supported. In particular, the specific portions of Crow cited by the Office disclose only that:

10   According to another aspect of the present invention, a method is provided for generating a *graphical user interface* for control of processing of time-based media data. In an exemplary method according to this aspect, *a first set of data representing the graphical*
15   *user interface is generated and displayed as a primary window. A second set of data representing an auxiliary drawer window is generated for display*.

Column3, lines 14-19 (emphasis added); and that:

20   Therefore, a user may *select substantially any start or end time to determine a particular range of time* for playback in a time-based media file. The selected range may be played back, used for editing (e.g., it may be cut from, added to, etc., to a time-based media
25   file), used for creating a new time-based media file with the selected range and placing a corresponding icon in the favorite/channel drawer, or other purposes.

Column 18, lines 30-38 (emphasis added). Neither passage teaches or suggests

30   generating a rich media presentation, let alone, selecting an appropriate rich media

presentation to be provided to the internet browser of a network device from among a plurality of rich media presentations based on detected attributes of the internet browser or device as recited in Claims 1, 10 and 16, and no such teaching is found in Crow.

5   Modeste does not remedy these defects in Crows' teaching since Modeste also fails to teach or suggest any of the above elements. Instead, the Office relied upon Modeste to teach ***detecting one or more attributes relating to rich media presentation capabilities of one or both of the internet browser and the network device*** as recited in Claims 1, 10 and 16. Specifically, the Office argued that

10   Modeste teaches:

> Playback attributes relating to a device are detected….
> Here, the device speed and processor speed are detected and the playback is modified based upon the speed….

15
However, Modeste discloses an "interactive" CD-ROM that can detect "the speed of the processor and the speed of the CD-ROM drive" of the system used for playback of the CD-ROM. Specifically, the passage in Modeste cited by the Office to support its arguments discloses only that:

20
> Peter Gabriel's release entitled "Xplora 1", and Prince's "Interactive" are two recent examples of CD-ROM recordings which include versions of multi-channel playback. Of particular note, David Bowie's "Jump" has the ability to detect the speed of the processor and
25
> the speed of the CD-ROM drive and then deliver up to 8 channels of mixable playback depending the system capabilities. This particular CD method has a performance limitation in that the audio is lower sound quality (8 bit resolution), has limited frequency

response (11 KHz maximum frequency and 22 KHz sampling rate), does not possess digital signal processing functions such as Equalization or Chorusing, and does not include the ability to optionally add external sound sources to the summation signal. Additionally, neither of these examples utilize compressed audio storage to contribute to the summation signal.

Column, 2, lines 50-65. Nowhere does Modeste disclose that the system used for playback of the interactive CD-ROM includes an internet browser or is a network device. Consequently, there exists no teaching in Modeste that the interactive CD-ROM would be capable of detecting one or more attributes relating the rich media presentation capabilities of an internet browser or a network device.

Accordingly, for at least these reasons, neither Crow nor Modeste, either alone or in combination, teaches or suggests the subject matter presently recited in claims 1, 10 and 16. Thus, claims 1, 10 and 16 are allowable over these references.

Claims 2-9, 11-15 and 17-21 depend from claim 1, 10 or 16, respectively, and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither disclosed nor suggested by the cited references.

Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests reconsideration and issuance of a Notice of Allowability. If the Office's

next anticipated action is to be anything other than issuance of a Notice of

Allowability, Applicant respectfully requests a telephone call for the purpose of

scheduling an interview.

<div align="center">Respectfully Submitted,</div>

5

Dated: <u>October 2, 2008</u> By: <u>/Kevin E. West/</u>
              Kevin E. West
              Reg. No. 43983
              (509) 755-7268